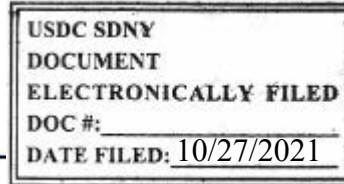


Federal Defenders OF NEW YORK, INC.



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October 25, 2021

BY EMAIL (UNREDACTED)
BY ECF (REDACTED)

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Andrew Joyner,
20 Cr. 505 (AJN)

Dear Judge Nathan:

I write to provide the Court with a status update in the above-captioned case on behalf of the parties and to request that the Court issue an Order directing the United States Marshals Service to take Andrew Joyner out to Bellevue Hospital on Monday, November 1, 2021 or Friday, November 5, 2021 for a neuropsychological evaluation by Drs. Edward Fernandez and Miranda Rosenberg.

Since the last status update, the parties have made significant progress towards a pre-trial resolution of Mr. Joyner's case. With respect to Mr. Joyner's pending state charges in Pennsylvania, which have complicated plea negotiations in this matter, Mr. Joyner has reached a tentative plea agreement to resolve those charges. This agreement will require Mr. Joyner's transfer to Chester County, Pennsylvania in the near future for an in-person appearance in state court. The parties expect that Mr. Joyner will be transferred to Pennsylvania sometime in the next few weeks.

In advance of Mr. Joyner's temporary transfer to Pennsylvania state custody, however, the defense has been working with two psychologists who have prepared a preliminary report regarding Mr. Joyner's cognitive functioning and capabilities. As set forth in the report (Attachment A), which was prepared at the request of undersigned counsel and is being shared with the Court and the Government under seal, further neuropsychological testing

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is necessary to develop a fuller and more comprehensive picture of Mr. Joyner's neurological functioning and psychology—aspects of Mr. Joyner's character and record that bear significantly on an appropriate resolution to Mr. Joyner's pending federal charges and on an appropriate sentence. Because such neuropsychological testing cannot meaningfully occur at the MDC—where time limits and restrictions on various diagnostic tools affect Dr. Rosenberg's and Fernandez's ability to properly evaluate Mr. Joyner—the defense respectfully requests that the Court direct the U.S. Marshals to produce Mr. Joyner to Bellevue Hospital on Monday, November 1, 2021 or Friday, November 5, 2021 for an eight-to-ten hour long examination by Drs. Rosenberg and Fernandez. The Government objects to this request on the ground that the U.S. Marshals Service has limited bandwidth to make such a production at the present time.

The defense further requests the Court's leave to provide another status update after the Bellevue evaluation has occurred, but no later than November 15, 2021, to apprise the Court of the details of Mr. Joyner's temporary transfer to Pennsylvania custody. The defense does not object to the exclusion of the period of delay from November 1 to November 15, 2021 under 18 U.S.C. § 3161(h)(7)(A).

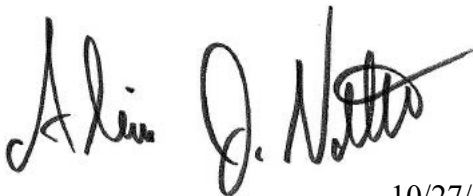
Respectfully Submitted,



Andrew J. Dellack, Esq.
Assistant Federal Defender
Counsel for Andrew Joyner

Cc: AUSA Andrew Rohrbach

The Court will grant Mr. Joyner's requests.
Defense counsel shall submit a proposed
order to the Court by October 28, 2021.



SO ORDERED.
ALISON J. NATHAN, U.S.D.J.

10/27/2021

ATTACHMENT A

[REDACTED]